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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,736	01/07/2000	Donald S Feuer	CEN2-BH43	3474

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KANSAS CITY, MO 64108

EXAMINER
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PEZZLO, JOHN

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/479,736

Applicant(s)

FEUER, DONALD S

Examiner

John Pezzlo

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-26 is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-18, 27-33, 35, 36 and 38-41 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 19, 20, 34 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-4, 13, 14, 15, 27, 28, 30, 31, 33, 35, 36, and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan et al. (US 6,829,234 B1) hereinafter Kaplan.

1. Regarding claim 1 – Kaplan discloses a computer controlled switch (hub, callout 202 in Figure 2) operable for use by subscribers and adapted for connection to a local public switched telephone network and capable of receiving calls from the IP network and the PSTN and routing calls to the PSTN and the IP network, refer to column 1 lines 65 to 67 and column 2 lines 1 to 14 and Figure 2 and column 5 lines 15 to 36.

Kaplan discloses gate interface circuitry (mux and service node, callouts 120 and 140 in Figure 1) connected to the computer controlled switch (hub) and adapted for connection to the IP network, refer to column 2 lines 14 to 26 and column 3 lines 50 to 67 and column 4 lines 1 to 34.

Art Unit: 2662

Kaplan discloses computing controlled switch containing, for each subscriber, destination addresses on the PSTN and the IP network, refer to column 4 lines 34 to 43 and column 4 lines 60 to 67 and column 5 lines 1 to 3 and column 6 lines 63 to 67 and column 7 lines 1 to 10 and column 16 lines 9 to 26.

Kaplan discloses whereby calls to a subscriber received by the computer controlled switch are automatically routed to each destination address on the PSTN or the IP network for that subscriber, refer to column 4 lines 34 to 43 and column 4 lines 60 to 67 and column 5 lines 1 to 3 and column 6 lines 63 to 67 and column 7 lines 1 to 10 and column 15 lines 64 to 67 and column 16 lines 1 to 9 and column 16 lines 9 to 26.

2. Regarding claims 2 and 15 – Kaplan discloses said gate interface circuitry includes gateway circuitry for interfacing between the IP network and the voice circuits of the PSTN, and gatekeeper circuitry for performing address translation, admission control, bandwidth management and zone management between the IP network and the PSTN, refer to column 2 lines 65 to 67 and column 9 lines 64 to 67 and column 10 lines 1 to 12.

3. Regarding claim 3 – Kaplan discloses a voice response unit connected between the gate interface circuitry and the switch for receiving voice signals and converting them to digital tones for the switch, refer to callout 204 in Figure 2 and callout 332 in Figure 3 and column 1 lines 65 to 67 and column 2 lines 1 to 14 and column 5 lines 15 to 24 and column 6 lines 22 to 34.

Art Unit: 2662

4. Regarding claim 4 – Kaplan discloses a message system connected to the IP network and the switch, refer to column 17 lines 15 to 49.

5. Regarding claims 13 and 39 – Kaplan discloses said computer controlled switch performs Class 5 switching of incoming calls, refer to column 2 lines 65 to 67 and column 10 lines 12 to 67 and column 16 lines 39 to 67.

6. Regarding claim 14 – Kaplan discloses interfacing the digital data signals of the IP network with the voice signals of the PSTN, refer to callout 204 in Figure 2 and callout 332 in Figure 3 and column 1 lines 65 to 67 and column 2 lines 1 to 14 and column 5 lines 15 to 24 and column 6 lines 22 to 34.

Kaplan discloses interfacing the control signals of the IP network with the PSTN to perform address translation, admission control, bandwidth management and zone management; routing calls between the devices connected to the IP network and devices connected to the PSTN, refer to column 2 lines 65 to 67 and column 9 lines 64 to 67 and column 10 lines 1 to 12.

Kaplan discloses maintaining information corresponding to subscribers, refer to column 17 lines 15 to 25.

Kaplan discloses storing for each individual subscriber destination addresses on the PSTN and the IP network, refer to column 15 lines 47 to 67 and column 16 lines 1 to 25.

Kaplan discloses automatically routing calls to a subscriber to each destination address stored for that subscriber, refer to column 6 lines 63 to 67 and column 7 lines 1 to 25.

Art Unit: 2662

7. Regarding claim 27 – Kaplan discloses a computer controlled class 5 switch (hub, callout 202 in Figure 2) adapted for connection to a local public switched telephone network and capable of receiving calls from the IP network and the PSTN and routing calls to the PSTN and the IP network, refer to column 1 lines 65 to 67 and column 2 lines 1 to 14 and Figure 2 and column 5 lines 15 to 36 and column 16 lines 25 to 67.

Kaplan discloses gate interface circuitry (mux and service node, callouts 120 and 140 in Figure 1) connected to the computer controlled switch and adapted for connection to the IP network, refer to column 2 lines 14 to 26 and column 3 lines 50 to 67 and column 4 lines 1 to 34.

8. Regarding claim 28 – Kaplan discloses the class 5 switch is operable to route a call originating from any one of a plurality of local PSTNS to the IP network, refer to column 4 lines 60 to 67 and column 5 lines 1 to 3 and column 5 lines 60 to 67 and column 6 lines 1 to 3 and column 7 lines 10 to 25 and column 15 lines 47 to 67 and column 16 lines 1 to 26.

9. Regarding claim 30 – Kaplan discloses the class 5 switch is operable to route a call originating from a phone coupled with non-private branch exchange elements to the IP network, refer to column 4 lines 60 to 67 and column 5 lines 1 to 3 and column 5 lines 60 to 67 and column 6 lines 1 to 3 and column 7 lines 10 to 25 and column 15 lines 47 to 67 and column 16 lines 1 to 26.

10. Regarding claim 31 – Kaplan discloses the class 5 switch is operable to route subscriber calls between the IP network and the PSTN, and prohibit routing of non-subscriber calls between

Art Unit: 2662

the IP network and the PSTN, refer to column 4 lines 34 to 43 and column 4 lines 60 to 67 and column 5 lines 1 to 3 and column 6 lines 63 to 67 and column 7 lines 1 to 25 and column 15 lines 64 to 67 and column 16 lines 1 to 9 and column 16 lines 9 to 26.

11. Regarding claim 33 – Kaplan discloses the class 5 switch is operable to route a call originating from the IP network to a phone coupled with non-private branch exchange elements, refer to column 4 lines 34 to 43 and column 4 lines 60 to 67 and column 5 lines 1 to 3 and column 6 lines 63 to 67 and column 7 lines 1 to 25 and column 15 lines 64 to 67 and column 16 lines 1 to 9 and column 16 lines 9 to 26.

12. Regarding claim 35 – Kaplan discloses receiving calls from the IP network and the PSTN utilizing a class-5 switch (hub, callout 202 in Figure 2), refer to column 1 lines 65 to 67 and column 2 lines 1 to 14 and Figure 2 and column 5 lines 15 to 36 and column 16 lines 25 to 67.

Kaplan discloses in the class-5 switch, routing the calls to the PSTN and the IP network respectively, wherein calls to or from the IP network pass through gate interface circuitry (mux and service node, callouts 120 and 140 in Figure 1) that is connected to the class-5 switch and adapted for connection to the IP network, refer to column 2 lines 14 to 26 and column 3 lines 50 to 67 and column 4 lines 1 to 34.

13. Regarding claim 36 – Kaplan discloses routing subscriber calls between the IP network and the PSTN, and prohibiting routing of non-subscriber calls between the IP network and the PSTN, refer to column 4 lines 34 to 43 and column 4 lines 60 to 67 and column 5 lines 1 to 3 and

Art Unit: 2662

column 6 lines 63 to 67 and column 7 lines 1 to 25 and column 15 lines 64 to 67 and column 16 lines 1 to 9 and column 16 lines 9 to 26.

14. Regarding claim 38 – Kaplan discloses a telephone, refer to callout 210 in Figure 2.

Kaplan discloses a gateway (part of the hub) coupled with the telephone, the gateway operable to couple with a computer controlled switch (hub, callout 202 in Figure 2) through an Internet Protocol (IP) network to enable the telephone to communicate through the IP network and a public switched telephone network (PSTN), refer to column 1 lines 65 to 67 and column 2 lines 1 to 14 and Figure 2 and column 5 lines 15 to 36 and column 16 lines 25 to 67.

15. Regarding claim 40 – Kaplan discloses the computer controlled switch (hub, callout 202 in Figure 2) is coupled with gate interface circuitry (mux and service node, callouts 120 and 140 in Figure 1) to facilitate communication through the PSTN, refer to column 2 lines 14 to 26 and column 3 lines 50 to 67 and column 4 lines 1 to 34.

16. Regarding claim 41 – Kaplan discloses the computer controlled switch is operable for use by subscribers and the gateway is operable to provide subscriber information to the switch, refer to column 17 lines 15 to 25.

***Claim Rejections - 35 USC § 103***



Art Unit: 2662

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 5-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (same as above) in view of Berkley et al. (US 6,546,005 B1) hereinafter Berkley.

1. Regarding claims 5 and 16 – Kaplan does not expressly disclose said message system receives voice messages and converts them to e-mail messages.

Berkley discloses said message system receives voice messages and converts them to e-mail messages, refer to column 12 lines 66-67 and column 13 lines 1 to 16.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to convert voice messages to e-mail messages.

The suggestion/motivation for doing so would have been that Kaplan discloses providing additional features to the users and Kaplan provides for telephone to computer communication, therefore providing voice message to e-mail conversion would allow a user at a computer to view the voice message as an e-mail.

2. Regarding claims 6 and 17 – Kaplan does not expressly disclose said message system receives facsimile messages and converts them to e-mail messages.

Art Unit: 2662

Berkley discloses said message system receives facsimile messages and converts them to e-mail messages, refer to column 10 lines 53 to 67 and column 11 lines 1 to 16.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to convert fax messages to e-mail messages.

The suggestion/motivation for doing so would have been that Kaplan discloses providing additional features to the users and Kaplan provides for telephone to computer communication, therefore providing fax message to e-mail conversion would allow a user at a computer to receive the fax message as an e-mail directly to the computer.

3. Regarding claims 7 and 18 – Kaplan does not expressly disclose said message system receives e-mail messages and converts them to voice messages.

Berkley discloses said message system receives e-mail messages and converts them to voice messages, refer to column 5 lines 49 to 61.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to convert e-mail messages to voice messages.

The suggestion/motivation for doing so would have been that Kaplan discloses providing additional features to the users and Kaplan provides for telephone to computer communicates therefore providing e-mail message to voice conversion would allow a user with a telephone to receive the voice message which was sent as an e-mail message from a computer.

Art Unit: 2662

4. Regarding claim 8 – Kaplan discloses the devices connected to the IP network are computers or telephones with a gateway circuitry interface, refer to column 1 lines 65 to 67 and column 2 lines 1 to 14 and Figure 2 and column 5 lines 15 to 36.

5. Regarding claim 9 – Kaplan discloses the computers connected to the IP network include multi-media software for packetizing voice signals into a digital format for transmission over the IP network, refer to column 17 lines 15 to 49.

III. Claims 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (same as above).

1. Regarding claims 29 and 32 – Kaplan does not expressly disclose the class 5 switch is operable to route a call originating from a phone coupled with a conventional private branch exchange (PBX) to the IP network and route a call originating from the IP network to a phone coupled with a conventional private branch exchange (PBX).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide Kaplan with the capability to operate with a PBX to route a call originating from a phone coupled with a conventional private branch exchange (PBX) to the IP network and route a call originating from the IP network to a phone coupled with a conventional private branch exchange (PBX).

The suggestion/motivation for doing so would have been that Kaplan discloses supporting a plurality of end user communications devices in the residence, refer to column 1

lines 65 to 67 and column 2 lines 1 to 5. A PBX which is a CPE device would allow Kaplan to operate and offer the customer more features resulting in a larger customer base and more sales and profits.

***Allowable Subject Matter***

Claims 21-26 are allowable over the prior art of record.

Claims 11, 12, 19, 20, 34, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant's arguments with respect to claims 1-9 and 11-41 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Art Unit: 2662

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Graves et al. (US 2003/0007621 A1) discloses systems and processes for call and call feature administration on a telecommunications network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

Art Unit: 2662

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

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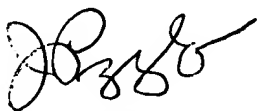
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500 Dulany Street

Alexandria, VA. 22313

John Pezzlo

20 January 2006

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**